

**Executive Summary – Enforcement Matter – Case No. 60143**  
**City of Throckmorton**  
**RN101410553**  
**Docket No. 2020-1549-PWS-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Throckmorton PWS, 121 North Minter Avenue, Throckmorton, Throckmorton County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 11, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,024

**Amount Deferred for Expedited Settlement:** \$1,604

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$6,420

Name of SEP: Public Water Supply Improvements (Compliance)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014 and January 2021

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**City of Throckmorton**  
**RN101410553**  
**Docket No. 2020-1549-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** November 23, 2020 and February 22, 2021 through March 5, 2021

**Date(s) of NOE(s):** December 4, 2020 and March 5, 2021

***Violation Information***

1. Failed to develop a nitrification action plan ("NAP") for a system distributing chloraminated water. Specifically, the Respondent had partially completed a system-specific NAP [30 TEX. ADMIN. CODE § 290.46(z)].
2. Failed to complete a customer service inspection ("CSI") certificate prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities [30 TEX. ADMIN. CODE § 290.46(j)].
3. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, a record of the amount of each chemical used each day and a daily record or a monthly summary of part-time operators were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), and (f)(3)(A)(vii)].
4. Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled [30 TEX. ADMIN. CODE § 290.110(c)(5)].
5. Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition. Specifically, the surface wash arms on the system's filters did not spin and did not work [30 TEX. ADMIN. CODE § 290.46(m)(6)].
6. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the chlorine dioxide building was unlocked, the fence surrounding the chlorine dioxide building was missing a portion, the grounds were noted to be unkept with overgrown grass, and there was an unlocked gas chlorine room next to the chlorine dioxide room containing three unused chlorine gas cylinders and a 55-gallon barrel. At the surface water treatment plant ("SWTP"), the high service pump room was not provided with adequate lighting, and the floor of the rooms inside the SWTP were full of water and sludge. In addition, trash, pipes, and other unused materials were noted throughout the

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Facility. The backwash water and sludge ponds were noted to have been overtaken by plants that dried out, and there were piles of trash and equipment along the fence line. The chemical injection vault outside SWTP's building was full of water [30 TEX. ADMIN. CODE § 290.46(m)].

7. Failed to maintain the Facility's storage tank in strict accordance with current American Water Works Association ("AWWA") standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch. Specifically, the 0.08 million-gallon clearwell was missing an overflow [30 TEX. ADMIN. CODE § 290.43(c)(3)].

8. Failed to properly calibrate the pH meters daily and check with at least one buffer each time a series of samples is run. Specifically, the benchtop pH meter was calibrated weekly and not daily. In addition, the pH meter was not calibrated on the following dates: February 9 and 23, 2020, April 16, 29, and 30, 2020, and May 20, 2020, and no records were submitted to show the calibration of the pH meter being checked with at least one buffer each time a series of samples is run [30 TEX. ADMIN. CODE § 290.46(s)(2)(A)(i) and (s)(2)(A)(ii)].

9. Failed to restandardize the benchtop turbidimeter's secondary standards each time a series of samples is tested, and if necessary, recalibrate with primary standards. Specifically, the Respondent did not restandardize the secondary standards each time the benchtop turbidimeter primary calibration was completed and was not checking the calibration of the benchtop turbidimeter with the secondary standards each time a series of samples is tested [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and (s)(2)(B)(ii)].

10. Failed to verify the accuracy of the continuous disinfectant residual analyzer at least once every seven days using chlorine solutions of known concentrations or by comparing the results from the on-line analyzer with the result of approved benchtop method. Specifically, the on-line chlorine analyzer Cl17 was not being verified at least once every seven days [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii)].

11. Failed to check the calibration of the three on-line turbidimeters at the Facility at least once each week with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv)].

12. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.096 mg/L for the

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third quarter of 2020 and 0.129 mg/L for the fourth quarter of 2020 [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

13. Failed to comply with the MCL of 0.060 mg/L for haloacetic acids ("HAA5") based on the locational running annual average. Specifically, the locational running annual average concentrations of HAA5 for DBP2 at Site 1 were 0.066 mg/L for the third quarter of 2020 and 0.133 mg/L for the fourth quarter of 2020 [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

14. Failed to conduct an operation evaluation and submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM and HAA5 for DBP2 at Site 1 during the third quarter of 2020 [30 TEX. ADMIN. CODE § 290.115(e)(2)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On February 4, 2021, the Respondent verified the accuracy of the Cl17 on-line chlorine analyzer using chlorine solutions of known concentrations once every seven days.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Create a system-specific NAP;

ii. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, a record of the amount of each chemical used each day and a daily record or a monthly summary of part-time operators;

iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to locking the chlorine dioxide building, repairing the missing portion of the fence surrounding the chlorine dioxide building, landscaping the overgrown grass, and locking the gas chlorine room next to the chlorine dioxide room containing three unused chlorine gas cylinders and a 55-gallon barrel. At the SWTP, installing adequate lighting in the high service pump room, and dewatering and removing the sludge from the floor

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of the rooms inside the SWTP. In addition, removing trash, pipes, and other unused materials throughout the Facility, landscaping the backwash water and sludge ponds, removing the piles of trash and equipment along the fence line, and dewatering the chemical injection vault outside SWTP's building;

iv. Implement a CSI program to ensure that all service connections are properly inspected;

v. Calibrate the pH meters daily, and check with at least one buffer each time a series of samples is run;

vi. Restandardize the secondary standards and check them each time a series of samples is tested for the calibration of the benchtop turbidimeters;

vii. Check the calibration of on-line turbidimeters (Filter 1, Filter 2, and finished water) with a primary standard, a secondary standard, the manufacturer's proprietary calibration confirmation device, or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit;

viii. Conduct an operation evaluation and submit an operation evaluation report to the Executive Director; and

ix. Begin collecting all required chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled. This provision will be satisfied upon six consecutive months of compliant monitoring.

b. Within 45 days, submit written certification to demonstrate compliance with a.i. through a.viii.

c. Within 60 days:

i. Begin maintaining all pumps, motors, valves, and other mechanical devices in good working condition including, but not limited to repairing or replacing the surface wash arms on the system's filters; and

ii. Provide the 0.08 million-gallon clearwell with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch.

d. Within 75 days, submit written certification to demonstrate compliance with c.

e. Within 225 days, submit written certification to demonstrate compliance with a.ix.

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f. Within 365 days:

i. Return to compliance with the MCL for TTHM based on the locational running annual average; and

ii. Return to compliance with the MCL for HAA5 based on the locational running annual average.

g. Within 380 days, submit written certification to demonstrate compliance with f.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, Enforcement Team 8, MC R-14, (361) 825-3421; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Betty Sanders, SEP Coordinator, Litigation Division, MC 175, (512) 239-3992

**Respondent:** The Honorable William Carroll, Mayor, City of Throckmorton, P.O. Box 640, Throckmorton, Texas 76483

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

<b>DATES</b>	<b>Assigned</b>	7-Dec-2020	<b>Screening</b>	8-Dec-2020	<b>EPA Due</b>	
	<b>PCW</b>	23-Dec-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Throckmorton
<b>Reg. Ent. Ref. No.</b>	RN101410553
<b>Facility/Site Region</b>	3-Abilene
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60143	<b>No. of Violations</b>	10
<b>Docket No.</b>	2020-1549-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,950
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	15.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$592
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<b>Notes</b>	Enhancement for three NOV's with the same/similar violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$25
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,154	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$9,215	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,517
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$4,517
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,517
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$903
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$3,614
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Screening Date 8-Dec-2020

Docket No. 2020-1549-PWS-E

PCW

Respondent City of Throckmorton

Policy Revision 4 (April 2014)

Case ID No. 60143

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101410553

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 15%

#### >> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 15%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 15%



**Screening Date** 8-Dec-2020 **Docket No.** 2020-1549-PWS-E **PCW**  
**Respondent** City of Throckmorton *Policy Revision 4 (April 2014)*  
**Case ID No.** 60143 *PCW Revision September 1, 2019*  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(j)  
**Violation Description** Failed to complete a customer service inspection ("CSI") certificate prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.  
**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

**Matrix Notes** Failure to conduct a CSI may result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

**Adjustment** \$4,250  
 \$750

**Violation Events**

Number of Violation Events 1 15 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$750

One monthly event is recommended, calculated from the date of the record review, November 23, 2020, to the date of screening, December 8, 2020.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$750

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$18 **Violation Final Penalty Total** \$863

**This violation Final Assessed Penalty (adjusted for limits)** \$863

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	28-Jan-2020	1-Feb-2022	2.01	\$18	n/a	\$18

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to implement a CSI program to ensure that all service connections are properly inspected, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$180

**TOTAL** \$18

**Screening Date** 8-Dec-2020  
**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2020-1549-PWS-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision September 1, 2019*

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, a record of the amount of each chemical used each day and a daily record or a monthly summary of part-time operators were not maintained on-site for review.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>

**Percent**

Matrix Notes

At least 70% of the rule requirements were met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

Notes

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media Violation No.** Public Water Supply  
 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	28-Jan-2020	1-Feb-2022	2.01	\$5	n/a	\$5
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 (This area is currently blank for notes.)

**Approx. Cost of Compliance** \$45

**TOTAL** \$5

**Screening Date** 8-Dec-2020  
**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2020-1549-PWS-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision September 1, 2019*

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="3.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media Violation No.** Public Water Supply  
 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	28-Jan-2020	31-Jul-2022	2.51	\$13	n/a	\$13
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed cost includes the estimated amount to collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	28-Jan-2020	8-Dec-2020	0.86	\$4	\$100	\$104
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs** The avoided cost includes the estimated amount to collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the date of the investigation initially documenting the violation to the date of screening.

**Approx. Cost of Compliance** \$200

**TOTAL** \$117

**Screening Date** 8-Dec-2020  
**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2020-1549-PWS-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision September 1, 2019*

**Violation Number** 4

**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(m)(6)

**Violation Description** Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition. Specifically, the surface wash arms on the system's filters did not spin and did not work.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Failure to maintain pumps, motors, valves, and other mechanical devices at the Facility in good working condition could result in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 1      15 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$250

One quarterly event is recommended, calculated from the date of the record review, November 23, 2020, to the date of screening, December 8, 2020.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$73

**Violation Final Penalty Total** \$288

**This violation Final Assessed Penalty (adjusted for limits)** \$288

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	28-Jan-2020	1-Mar-2022	2.09	\$3	\$70	\$73
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to repair or replace the surface wash arms on the system's filters, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$500

**TOTAL**

\$73



**Screening Date** 8-Dec-2020  
**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2020-1549-PWS-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision September 1, 2019*

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the chlorine dioxide building was unlocked, the fence surrounding the chlorine dioxide building was missing a portion, the grounds were noted to be unkept with overgrown grass, and there was an unlocked gas chlorine room next to the chlorine dioxide room containing three unused chlorine gas cylinders and a 55-gallon barrel. At the surface water treatment plant ("SWTP"), the high service pump room was not provided with adequate lighting, and the floor of the rooms inside the SWTP were full of water and sludge. In addition, trash, pipes, and other unused materials were noted throughout the Facility. The backwash water and sludge ponds were noted to have been overtaken by plants that dried out, and there were piles of trash and equipment along the fence line. The chemical injection vault outside SWTP's building was full of water.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**

Failure to ensure the good working condition and general appearance of the Facility and its equipment could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Two quarterly events are recommended (one event for each facility), calculated from the date of the record review, November 23, 2020, to the date of screening, December 8, 2020.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

**Notes**

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other	\$1,000	28-Jan-2020	1-Feb-2022	2.01	\$7	\$134	\$141
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$6,600	28-Jan-2020	1-Feb-2022	2.01	\$665	n/a	\$665

**Notes for DELAYED costs**

The Other delayed cost includes the estimated amount to lock the chlorine dioxide building; repair the fence surrounding the chlorine dioxide building; remove the overgrown grass overtaking the facility; lock the gas chlorine room; and provide adequate lighting at the high service pump room.

The Other (as needed) delayed cost includes the estimated amount to remove the water, sludge, trash and other materials on the floor of the rooms at the SWTP; remove the overgrown plants at the backwash water and sludge ponds; remove the piles of trash and equipment along the fence line; and remove the water in the chemical injection vault outside the SWTP's building, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance	\$7,600	<b>TOTAL</b>	\$806
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**Screening Date** 8-Dec-2020  
**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2020-1549-PWS-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision September 1, 2019*

**Violation Number**

**Rule Cite(s)**

**Violation Description** Failed to maintain the Facility's storage tank in strict accordance with current American Water Works Association ("AWWA") standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch. Specifically, the 0.08 million-gallon clearwell was missing an overflow.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes** Failure to provide the clearwell with an overflow with a tightly fitting cover could allow contaminants to enter the water supply which would exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One monthly event is recommended, calculated from the date of the record review, November 23, 2020, to the date of screening, December 8, 2020.

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media Violation No.** Public Water Supply  
 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	28-Jan-2020	1-Mar-2022	2.09	\$3	\$70	\$73
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to provide an overflow for the 0.08 million-gallon clearwell, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$500

**TOTAL** \$73

**Screening Date** 8-Dec-2020  
**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2020-1549-PWS-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision September 1, 2019*

**Violation Number** 7

**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(s)(2)(A)(i) and (s)(2)(A)(ii)

**Violation Description**

Failed to properly calibrate the pH meters daily and checked with at least one buffer each time a series of samples is run. Specifically, the benchtop pH meter was calibrated weekly and not daily. In addition, the pH meter was not calibrated on the following dates: February 9 and 23, 2020, April 16, 29, and 30, 2020, and May 20, 2020, and no records were submitted to show the calibration of the pH meter being checked with at least one buffer each time a series of samples is run.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

**Percent** 5.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Matrix Notes

Failure to properly calibrate equipment and verify accuracy of testing equipment could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 1

15 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$250

One quarterly event is recommended, calculated from the date of the record review, November 23, 2020, to the date of screening, December 8, 2020.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$23

**Violation Final Penalty Total** \$288

**This violation Final Assessed Penalty (adjusted for limits)** \$288

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media Violation No.** Public Water Supply  
 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20	28-Jan-2020	1-Feb-2022	2.01	\$2	n/a	\$2

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to properly calibrate the pH meters daily and check it with at least one buffer each time a series of samples is run (\$20 per monitoring), calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$20	28-Jan-2020	8-Dec-2020	0.86	\$1	\$20	\$21
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 The avoided cost includes the estimated amount to properly calibrate the pH meter daily and check it with at least one buffer each time a series of samples is run (\$20 per monitoring), calculated from the date of the investigation initially documenting the violation to the date of screening.

**Approx. Cost of Compliance** \$40

**TOTAL** \$23

**Screening Date** 8-Dec-2020  
**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2020-1549-PWS-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision September 1, 2019*

**Violation Number** 8

**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(s)(2)(B)(i) and (s)(2)(B)(ii)

**Violation Description**

Failed to restandardize the benchtop turbidimeter's secondary standards each time a series of samples is tested, and if necessary, recalibrate with primary standards. Specifically, the Respondent did not restandardize the secondary standards each time the benchtop turbidimeter primary calibration was completed and was not checking the calibration of the benchtop turbidimeter with the secondary standards each time a series of samples is tested.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

**Percent** 5.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Matrix Notes

Failure to restandardize secondary standards could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 1

15 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$250

One single event is recommended, calculated from the date of the record review, November 23, 2020, to the date of screening, December 8, 2020.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$10

**Violation Final Penalty Total** \$288

**This violation Final Assessed Penalty (adjusted for limits)** \$288

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media Violation No.** Public Water Supply  
 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	28-Jan-2020	1-Feb-2022	2.01	\$10	n/a	\$10

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to restandardized secondary standards to be utilized during benchtop turbidimeter accuracy checks, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$100

**TOTAL** \$10



**Screening Date** 8-Dec-2020  
**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2020-1549-PWS-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision September 1, 2019*

**Violation Number** 9

**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(s)(2)(C)(ii)

**Violation Description**

Failed to verify the accuracy of the continuous disinfectant residual analyzer at least once every seven days using chlorine solutions of known concentrations or by comparing the results from the on-line analyzer with the result of approved benchtop method. Specifically, the on-line chlorine analyzer Cl17 was not being verified at least once every seven days.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

**Percent** 5.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Matrix Notes

Failure to properly verify the accuracy of the continuous disinfectant residual analyzer could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 1 15 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$250

One single event is recommended.

**Good Faith Efforts to Comply**

10.0%

Reduction \$25

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		

Notes

The Respondent achieved compliance on February 4, 2021.

**Violation Subtotal** \$225

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$11

**Violation Final Penalty Total** \$263

**This violation Final Assessed Penalty (adjusted for limits)** \$263

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media Violation No.** Public Water Supply  
 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	28-Jan-2020	4-Feb-2021	1.02	\$1	n/a	\$1

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to verify the accuracy of the Cl17 on-line chlorine analyzer (\$10 every seven days) using chlorine solutions of known concentrations, calculated from the date of the investigation initially documenting the violation to the date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$10	28-Jan-2020	8-Dec-2020	0.86	\$0	\$10	\$10

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to verify the accuracy of the Cl17 on-line chlorine analyzer (\$10 every seven days) using chlorine solutions of known concentrations, calculated from the date of the investigation initially documenting the violation to the screening date.

Approx. Cost of Compliance \$20

**TOTAL** \$11

**Screening Date** 8-Dec-2020  
**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2020-1549-PWS-E

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision September 1, 2019*

**Violation Number** 10

**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(s)(2)(B)(iv)

**Violation Description** Failed to check the calibration of the three on-line turbidimeters at the Facility at least once each week with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to calibrate equipment used for compliance testing could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 3 15 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$750

Three single events are recommended (one event per turbidimeter), calculated from the date of the record review, November 23, 2020, to the date of screening, December 8, 2020.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$18

**Violation Final Penalty Total** \$863

**This violation Final Assessed Penalty (adjusted for limits)** \$863

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media Violation No.** Public Water Supply  
 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15	28-Jan-2020	1-Feb-2022	2.01	\$2	n/a	\$2

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to check the calibration of on-line turbidimeters (\$5 per seven-day period x three on-line turbidimeters) at least once every week, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$15	28-Jan-2020	8-Dec-2020	0.86	\$1	\$15	\$16

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to check the calibration of on-line turbidimeters (\$5 per seven-day period x three on-line turbidimeters) at least once every week, calculated from the date of the investigation initially documenting the violation to the date of screening.

Approx. Cost of Compliance \$30

**TOTAL** \$18



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	7-Dec-2020	<b>Screening</b>	8-Dec-2020	<b>EPA Due</b>	
	<b>PCW</b>	8-Dec-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Throckmorton
<b>Reg. Ent. Ref. No.</b>	RN101410553
<b>Facility/Site Region</b>	3-Abilene
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60143	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-1549-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$50
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	15.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$7
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Notes: Enhancement for three NOVs with the same/similar violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$11
Estimated Cost of Compliance	\$45

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$57
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$57
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$57
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$11
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$46
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**Screening Date** 8-Dec-2020

**Docket No.** 2020-1549-PWS-E

**PCW**

**Respondent** City of Throckmorton

*Policy Revision 4 (April 2014)*

**Case ID No.** 60143

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN101410553

**Media** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 15%

#### >> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for three NOVs with the same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 15%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 15%

**Screening Date** 8-Dec-2020 **Docket No.** 2020-1549-PWS-E **PCW**  
**Respondent** City of Throckmorton *Policy Revision 4 (April 2014)*  
**Case ID No.** 60143 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(z)  
**Violation Description** Failed to develop a nitrification action plan ("NAP") for a system distributing chloraminated water. Specifically, the Respondent had partially completed a system-specific NAP.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

Matrix Notes: 100% of the rule requirements were not met.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events: 1      15 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$50

One single event is recommended.

**Good Faith Efforts to Comply**

**0.0%**

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$50

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$11

**Violation Final Penalty Total** \$58

**This violation Final Assessed Penalty (adjusted for limits)** \$58

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$45	19-Apr-2017	1-Feb-2022	4.79	\$11	n/a	\$11

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to create a system-specific NAP, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$45

**TOTAL**

\$11





# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	9-Mar-2021	<b>Screening</b>	9-Mar-2021	<b>EPA Due</b>	31-Dec-2021
	<b>PCW</b>	9-Mar-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Throckmorton				
<b>Reg. Ent. Ref. No.</b>	RN101410553				
<b>Facility/Site Region</b>	3-Abilene	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	60143	<b>No. of Violations</b>	3	
<b>Docket No.</b>	2020-1549-PWS-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal	
		<b>EC's Team</b>	Enforcement Team 8	
<b>Admin. Penalty \$ Limit</b>	<b>Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	15.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$450
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<b>Notes</b>	Enhancement for three NOVs with the same/similar violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$822	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,045	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,450
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$3,450
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,450
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$690
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$2,760
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Screening Date 9-Mar-2021

Docket No. 2020-1549-PWS-E

PCW

Respondent City of Throckmorton

Policy Revision 5 (January 28, 2021)

Case ID No. 60143

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101410553

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 15%

#### >> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 15%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 15%

**Screening Date** 9-Mar-2021 **Docket No.** 2020-1549-PWS-E **PCW**  
**Respondent** City of Throckmorton *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60143 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description** Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.096 mg/L for the third quarter of 2020 and 0.129 mg/L for the fourth quarter of 2020.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		25.0%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

**Adjustment** \$3,750

\$1,250

**Violation Events**

Number of Violation Events 1 183 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

**Violation Base Penalty** \$1,250

One annual event is recommended.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$819

**Violation Final Penalty Total** \$1,438

**This violation Final Assessed Penalty (adjusted for limits)** \$1,438

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Sep-2020	1-Feb-2023	2.34	\$39	\$780	\$819
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCLs for TTHM and haloacetic acids ("HAA5"), calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$819

**Screening Date** 9-Mar-2021  
**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2020-1549-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*  
*PCW Revision February 11, 2021*

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**

Failed to comply with the MCL of 0.060 mg/L for HAA5 based on the locational running annual average. Specifically, the locational running annual average concentrations of HAA5 for DBP2 at Site 1 were 0.066 mg/L for the third quarter of 2020 and 0.133 mg/L for the fourth quarter of 2020.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="25.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Exceeding the MCL for HAA5 caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input checked="" type="text" value="x"/>
single event	<input type="text"/>

**Violation Base Penalty**

One annual event is recommended.

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

Notes

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs of compliance are captured in the Economic Benefit Worksheet for Violation No. 1.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

**Screening Date** 9-Mar-2021  
**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Docket No.** 2020-1549-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*  
*PCW Revision February 11, 2021*

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Throckmorton  
**Case ID No.** 60143  
**Reg. Ent. Reference No.** RN101410553  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	20-Dec-2020	1-Feb-2022	1.12	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to conduct an operation evaluation and submit an operation evaluation report to the Executive Director, calculated from the due date of the operation evaluation report to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$45

**TOTAL**

\$3



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600247894, RN101410553, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN600247894, City of Throckmorton **Classification:** SATISFACTORY **Rating:** 41.54

**Regulated Entity:** RN101410553, CITY OF THROCKMORTON **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 121 N MINTER AVENUE, THROCKMORTON, THROCKMORTON COUNTY, TEXAS

**TCEQ Region:** REGION 03 - ABILENE

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
2240001

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** June 18, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 18, 2016 to June 18, 2021

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** EPI VILLARREAL

**Phone:** (361) 825-3421

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**  
N/A

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 10/14/2020 (1704027)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: HAA5/TTHM LRAA MCL 3Q2020 - During the 3rd quarter of 2020 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.066

mg/L and for trihalomethanes with a LRAA of 0.096 mg/L at 208 N McCoun, Throckmorton (DBP2-01).

- 2 Date: 01/13/2021 (1704027)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)  
30 TAC Chapter 290, SubChapter F 290.115(f)(5)  
Description: DBP2 HAA5/TTHM OEL Reporting 3Q2020 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for haloacetic acids/trihalomethanes at 208 N McCoun, Throckmorton (DBP2-01) within the required timeline.
- 3 Date: 02/09/2021 (1704027)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: HAA5/TTHM LRAA MCL 4Q2020 - During the 4th quarter of 2020 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.133 mg/L and for trihalomethanes with a LRAA of 0.129 mg/L at 208 N McCoun, Throckmorton (DBP2-01).

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF THROCKMORTON  
RN101410553**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2020-1549-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Throckmorton (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at 121 North Minter Avenue in Throckmorton, Throckmorton County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 522 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$8,024 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$1,604 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$6,420 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental

Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent has implemented a corrective measure at the Facility by verifying the accuracy of the Cl17 on-line chlorine analyzer using chlorine solutions of known concentrations once every seven days by February 4, 2021.

## **II. ALLEGATIONS**

1. During a record review conducted on November 23, 2020, an investigator documented that the Respondent:
  - a. Failed to develop a nitrification action plan ("NAP") for a system distributing chloraminated water, in violation of 30 TEX. ADMIN. CODE § 290.46(z). Specifically, the Respondent had partially completed a system-specific NAP;
  - b. Failed to complete a customer service inspection ("CSI") certificate prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(j);
  - c. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), and

- (f)(3)(A)(vii). Specifically, a record of the amount of each chemical used each day and a daily record or a monthly summary of part-time operators were not maintained on-site for review;
- d. Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5);
- e. Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(6). Specifically, the surface wash arms on the system's filters did not spin and did not work;
- f. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m). Specifically, the chlorine dioxide building was unlocked, the fence surrounding the chlorine dioxide building was missing a portion, the grounds were noted to be unkept with overgrown grass, and there was an unlocked gas chlorine room next to the chlorine dioxide room containing three unused chlorine gas cylinders and a 55-gallon barrel. At the surface water treatment plant ("SWTP"), the high service pump room was not provided with adequate lighting, and the floor of the rooms inside the SWTP were full of water and sludge. In addition, trash, pipes, and other unused materials were noted throughout the Facility. The backwash water and sludge ponds were noted to have been overtaken by plants that dried out, and there were piles of trash and equipment along the fence line. The chemical injection vault outside SWTP's building was full of water;
- g. Failed to maintain the Facility's storage tank in strict accordance with current American Water Works Association ("AWWA") standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3). Specifically, the 0.08 million-gallon clearwell was missing an overflow;
- h. Failed to properly calibrate the pH meters daily and check with at least one buffer each time a series of samples is run, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(A)(i) and (s)(2)(A)(ii). Specifically, the benchtop pH meter was calibrated weekly and not daily. In addition, the pH meter was not calibrated on the following dates: February 9 and 23, 2020, April 16, 29, and 30, 2020, and May 20, 2020, and no records were submitted to show the calibration of the pH meter being checked with at least one buffer each time a series of samples is run;
- i. Failed to restandardize the benchtop turbidimeter's secondary standards each time a series of samples is tested, and if necessary, recalibrate with primary standards, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and (s)(2)(B)(ii). Specifically, the Respondent did not restandardize the secondary standards each time the benchtop turbidimeter primary calibration was completed and was not checking the calibration of the benchtop turbidimeter with the secondary standards each time a series of samples is tested;

- j. Failed to verify the accuracy of the continuous disinfectant residual analyzer at least once every seven days using chlorine solutions of known concentrations or by comparing the results from the on-line analyzer with the result of approved benchtop method, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii). Specifically, the on-line chlorine analyzer Cl17 was not being verified at least once every seven days; and
  - k. Failed to check the calibration of the three on-line turbidimeters at the Facility at least once each week with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv).
2. During a record review conducted on February 22, 2021 through March 5, 2021, an investigator documented that the Respondent:
  - a. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.096 mg/L for the third quarter of 2020 and 0.129 mg/L for the fourth quarter of 2020;
  - b. Failed to comply with the MCL of 0.060 mg/L for haloacetic acids ("HAA5") based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the locational running annual average concentrations of HAA5 for DBP2 at Site 1 were 0.066 mg/L for the third quarter of 2020 and 0.133 mg/L for the fourth quarter of 2020; and
  - c. Failed to conduct an operation evaluation and submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM and HAA5 for DBP2 at Site 1 during the third quarter of 2020, in violation of 30 TEX. ADMIN. CODE § 290.115(e)(2).

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for

violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Throckmorton, Docket No. 2020-1549-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$6,420 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Create a system-specific NAP, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, a record of the amount of each chemical used each day and a daily record or a monthly summary of part-time operators, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to locking the chlorine dioxide building, repairing the missing portion of the fence surrounding the chlorine dioxide building, landscaping the overgrown grass, and locking the gas chlorine room next to the chlorine dioxide room containing three unused chlorine gas cylinders and a 55-gallon barrel. At the SWTP, installing adequate lighting in the high service pump room, and dewatering and removing the sludge from the floor of the rooms inside the SWTP. In addition, removing trash, pipes, and other unused materials throughout the Facility, landscaping the backwash water and sludge ponds, removing the piles of trash and equipment along the fence line, and dewatering the chemical injection vault outside SWTP's building, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - iv. Implement a CSI program to ensure that all service connections are properly inspected, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - v. Calibrate the pH meters daily, and check with at least one buffer each time a series of samples is run, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- vi. Restandardize the secondary standards and check them each time a series of samples is tested for the calibration of the benchtop turbidimeters, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - vii. Check the calibration of on-line turbidimeters (Filter 1, Filter 2, and finished water) with a primary standard, a secondary standard, the manufacturer's proprietary calibration confirmation device, or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - viii. Conduct an operation evaluation and submit an operation evaluation report to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.115. The operation evaluation report shall be submitted to:

Drinking Water Standards Section  
Water Supply Division, MC 155 (Attn: DBP)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - ix. Begin collecting all required chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon six consecutive months of compliant monitoring.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.viii.
  - c. Within 60 days after the effective date of this Order:
    - i. Begin maintaining all pumps, motors, valves, and other mechanical devices in good working condition including, but not limited to repairing or replacing the surface wash arms on the system's filters, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - ii. Provide the 0.08 million-gallon clearwell with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch, in accordance with 30 TEX. ADMIN. CODE § 290.43.
  - d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i and 3.c.ii.



- e. Within 225 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.ix.
- f. Within 365 days after the effective date of this Order:
  - i. Return to compliance with the MCL for TTHM based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115; and
  - ii. Return to compliance with the MCL for HAA5 based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
- g. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.f.i and 3.f.ii. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

- 4. All relief not expressly granted in this Order is denied.
- 5. If the Respondent fails to comply with Ordering Provision No. 2 in this Order within the prescribed schedule, and that failure is caused solely by an act of God, war, strike, riot, or

- other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
  7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
  8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
  9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
  10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
8/31/2022

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
08/08/2022  
Date

\_\_\_\_\_  
William Carroll  
Name (Printed or typed)  
Authorized Representative of  
City of Throckmorton

\_\_\_\_\_  
Mayor  
Title

*If mailing address has changed, please check this box and provide the new address below:*

**Attachment A**

**Docket Number: 2020-1549-PWS-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Throckmorton
<b>Penalty Amount:</b>	Six Thousand Four Hundred Twenty Dollars (\$6,420)
<b>SEP Offset Amount:</b>	Six Thousand Four Hundred Twenty Dollars (\$6,420)
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>Public Water Supply Improvements</i>
<b>Location of SEP:</b>	Throckmorton County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its public water supply (the “Facility”) which are described in this Agreed Order.

**1. Project Description**

**A. Project**

Respondent shall rent six 40-yard roll-off containers which will be used to remove debris and rubbish in and around the City's surface water treatment plant located at 213 West Elm in Throckmorton. The City will haul the roll-off containers to a permitted landfill for proper disposal of contents. Specifically, the SEP Offset Amount shall be used for six 40-yard roll-off containers (the “Project”). Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

**B. Environmental Benefit**

This SEP will help improve the good working condition and general appearance of the Facility in order to provide access to safe drinking water. Safe, reliable drinking water is necessary for human health and household sanitation.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

**Estimated Cost Schedule**

Item	Quantity	Cost	Units	Total
Roll-off Containers	6	\$1,100	Each	\$6,600
<b>Total</b>				<b>\$6,600</b>

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 45 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 45 days after the effective date of this Agreed Order, Respondent shall submit a report detailing all actions for achieving completion of the Project within the 45-day timeframe set forth in Section 2, Performance Schedule, above. Respondent shall submit reports to the TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

**Reporting Schedule**

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
45	Notice of SEP completion

B. Final Report

Within 45 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;

4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. Detailed map showing specific location of the project site(s);
7. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
8. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**6. Publicity**

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**7. Recognition**

Respondent may not seek recognition for this project in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.